

Remarks

Applicant has amended the claims after final to correct 35 U.S.C. § 112, second paragraph issues and to place claims in condition for allowance by placing subject matter indicated as being allowable by the Examiner into independent claims. Applicant therefore respectfully requests that this Amendment be entered after final.

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-52 are pending in the application, of which claims 1, 10, 11, 12, 13, 14, 22, 32, 40, and 50 are independent. By the foregoing Amendment, claims 14, 22, 32, 37, 40, and 50 are sought to be amended. Claim 52 is sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Allowance of Claims

Applicants acknowledge with appreciation the Examiner's statement of allowance of claims 1-13, 30, 31, and 46-51. Please note that claim 50, which is indicated by the Examiner as being allowed, was amended for antecedent basis reasons only to indicate that "the packets" refer to "the incoming and outgoing packets to and from the software application".

Allowable Subject Matter

The Examiner, on page 2 of the Office Action, has objected to claims 17, 19, 21, 25, 27, and 29 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant would like to thank the Examiner for the indication of allowable subject matter. Applicant has amended the base claims with subject matter from the allowed claims and, therefore believes that the base claims are allowable over the cited art. Thus, at this time, Applicant has not amended the base claims to include the allowable subject matter indicated in claims 17, 19, 21, 25, 27, and 29. Applicant respectfully reserves the right to amend the base claims in the future to include the allowable subject matter if deemed necessary to bring the case to allowance.

Rejection under 35 U.S.C. § 112, second para.

The Examiner, on page 6 of the Final Office Action, has rejected claims 32-39 and 40-45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With regard to independent claim 40, the Examiner, on page 7 of the Final Office Action, states that Applicant has claimed "an article comprising: a storage medium having a plurality of machine accessible instructions, wherein when the instructions are executed by a processor, the instructions provide for monitoring incoming and outgoing packets to and from a software application." The Examiner further states that "[h]owever, Applicant then also claims specific action steps reciting the actions of: placing the software application [...], and blocking reception of incoming packets [...]."

The Examiner then states that “[t]hese actions appear to be particular actions to a method [and that this] is indefinite because it is uncertain how these particular steps relate with the physical article which [A]pplicant has claimed.”

Applicant respectfully disagrees. Claims 40-45 are Beauregard claims which claim the invention on a storage medium, not method claims. Applicant has reorganized and amended claim 40 to better present the claim as a Beauregard. Applicant respectfully requests that the Examiner consider the claim as a Beauregard claim, not a method claim, and withdraw the rejection of claims 40-45.

With regards to claims 32-39, the Examiner, on pages 7-8, states that claim 32 is indefinite because it claims conflicting limitations. Applicant has amended claim 32 to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully requests that the Examiner consider amended claim 32, and withdraw the rejection of claims 32-39.

Rejection under 35 U.S.C. § 103

The Examiner, on page 9 of the Final Office Action, has rejected claims 14, 15, 16, 18, 20, 22, 23, 24, 26, 28, and 40-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,725,378 to Schuba *et al.* (hereinafter “Schuba”). Applicant respectfully traverses this rejection. However, to expedite prosecution, Applicant has amended independent claims 14, 22, and 40 to include subject matter indicated by the Examiner as being allowed. It is therefore believed that the foregoing Amendment renders the rejection of independent claims 14, 22, and 40 (and the claims that depend therefrom (claims 15-21; claims 23-29; and claims 41-45, respectively)) moot.

New Claim

New claim 52 has been added. Claim 52 is dependent on independent claim 14, which includes allowed subject matter, and thus, is patentable over the cited references.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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